

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.

Plaintiff(s),	:	MDL No. 2419
	:	Master Docket No. 1:13-md-2419-FDS
v.	:	Honorable F. Dennis Saylor
UNIFIRST CORPORATION, A/D/B/A	:	
UNICLEAN CLEANROOM	:	
SERVICES, MARION PAIN	:	
PAIN MANAGEMENT CENTER, INC	:	<u>DEMAND FOR JURY TRIAL</u>
Defendants.	:	

**CORRECTED SHORT FORM COMPLAINT
AGAINST UNAFFILIATED DEFENDANTS**

Plaintiff(s), JOAN HULSEY, on behalf of herself and as Personal Representative of the Estate of Guy Hulsey, Jr., complaining against the Defendants, allege(s) as follows:

FIRST COUNT

1. Pursuant to MDL Order No. 7, entered in In Re: New England Compounding Pharmacy, Inc. Products liability Litigation, Master Docket No. 1:13-md-2419-FDS, the undersigned counsel hereby submit this Short Form Complaint and Jury Demand against the Defendants, and adopt and incorporate by reference the allegations in the Plaintiffs' Master Complaint, with attachments, and any and all amendments thereto.

2. Plaintiff is a resident of the State of Florida.

3. Plaintiff brings this action:

[X] On behalf of herself; and

[X] And as the Personal Representative of the Estate of Guy Hulsey, Jr. (hereinafter "Decedent"), who died on October 11, 2012.

4. Plaintiff asserts that the Plaintiff was administered New England Compounding Pharmacy, Inc. ("NECC") drug methyprednisolone acetate (hereinafter referred to as "NECC drug"), causing injuries and damages.

5. The aforesaid administration of the NECC drug occurred on: September 4, 2012, by Dr. Mangala J. Shetty, at Marion Pain Management Center, Inc., located in Ocala, Florida.

6. **Dr. Mangala J. Shetty** and healthcare facility **Marion Pain Management Center, Inc.** are hereinafter collectively referred to as "**Clinic Related Defendants.**"

7. Plaintiff(s) adopt(s) and incorporate(s) by reference the following Causes of Action asserted against the Defendants in the Master Complaint:

[X] COUNT II: NEGLIGENCE AND GROSS NEGLIGENCE (Against UniFirst)

[X] COUNT III: NEGLIGENCE AND GROSS NEGLIGENCE (Against Clinic Related Defendants)

[X] COUNT IV: VIOLATION OF CONSUMER PROTECTION STATUTES (Against Clinic Related Defendants)

Plaintiff(s) allege violation of the following consumer protection statute(s): Florida Deceptive and Unfair Trade Practices Act (FDUTPA) § 501.204

[X] COUNT VI: VIOLATION OF M.G.L. C. 93A (Against UniFirst)

[X] COUNT VII: BATTERY (Against Clinic Related Defendants)

[X] COUNT VIII: FAILURE TO WARN (Against Clinic Related Defendants)

[X] COUNT IX: TENNESSEE PRODUCT LIABILITY CLAIMS (Against Tennessee Clinic Related Defendants)

- COUNT X: AGENCY (Against Clinic Related Defendants)
- COUNT XI: CIVIL CONSPIRACY (Against Clinic Related Defendants)
- COUNT XII: WRONGFUL DEATH PUNITIVE DAMAGES (Against UniFirst and Clinic Related Defendants)
- COUNT XIII: LOSS OF CONSORTIUM (Against UniFirst and Clinic Related Defendants)
- COUNT XIV: PUNITIVE DAMAGES (Against UniFirst and Clinic Related Defendants)

8. Plaintiff, Joan Hulsey claims the Decedent, Guy Hulsey, Jr., suffered the following injuries as a result of the administration of NECC's drug: bodily injury; pain and suffering, and death, as a result of contracting fungal meningitis.

9. Plaintiff, Joan Hulsey, claims to have suffered the following damages as a result of the administration of NECC's drug loss of spousal support, mental anguish, medical expenses, and all other damages entitled to Plaintiff, Joan Hulsey, and Decedent's Heir's.

10. The additional designated plaintiff(s) has suffered/have suffered/will continue to suffer the following: loss of spousal support, mental anguish, and all other damages entitled to Plaintiff, Joan Hulsey, and Decedent's Heir's.

WHEREFORE, Plaintiff(s) demand(s) Judgment against the Defendants awarding compensatory damages, punitive damages, attorneys' fees, interest, costs of suit, and such further relief as the Court deems equitable and just.

Plaintiff(s) reserve the right to amend this Complaint to add allegations and claims against individuals or entities currently omitted (in light of the Court's order permitting a Master Complaint naming defendants affiliated with NECC and currently participating in mediation by

December 20) and to add or amend allegations against Defendants named herein based, in part, on further discovery.

JURY DEMAND

Plaintiff(s) hereby demand(s) a trial by jury.

Respectfully Submitted,

PLAINTIFF(S),

By (Their) Attorneys,

/s/Joshua R. Gale

Joshua R. Gale (FL Bar No.: 63282)
WIGGINS, CHILDS, QUINN & PANTAZIS, LLC
101 N. Woodland Blvd., Suite 600
DeLand, FL 32720
Telephone: 386-675-6946
Facsimile: 386-675-6947
Email: jgale@wcqp.com

Craig L. Lowell (ASB-4232-W86C)

Pro Hac Vice Admission

WIGGINS, CHILDS, QUINN & PANTAZIS, LLC
The Kress Building
301 19th Street North
Birmingham, AL 35203
Telephone: 205-314-0550
Facsimile: 205-254-1500
Email: cowell@wcqp.com

Attorneys for Plaintiffs

Date: December 19, 2013